

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

DEC 07 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FABRIZZIO MURCIA-PLEITEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74110

Agency No. A95-122-033

MEMORANDUM*

FABRIZZIO MURCIA-PLEITEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75895

Agency No. A95-122-033

On Petition for Review of Orders of the
Board of Immigration Appeals

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Submitted November 17, 2005**
Portland, Oregon

Before: KLEINFELD and GRABER, Circuit Judges, and MOSKOWITZ***,
District Judge.

To be eligible for asylum, Murcia-Pleitez must show that the alleged persecution is done at the hands of the El Salvadoran government or a group that the government is unwilling or unable to control.¹ The immigration judge found that Murcia-Pleitez did not make this showing. There is substantial evidence in the record to support his determination.²

By Murcia-Pleitez's own admission, the local authorities were *never* informed of any of the maras's criminal actions. Generally, some notice must be given to the local authorities before finding the government was "unwilling or

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Barry Ted Moskowitz, District Judge for the Southern District of California, sitting by designation.

¹ *Korablina v. INS*, 158 F.3d 1038, 1044 (9th Cir. 1998).

² *See Hernandez-Montiel v. INS*, 225 F.3d 1084, 1091 (9th Cir. 2000).

unable to control” a criminal group.³ Failure to inform the local police, even in fear of retribution, of the persecution does not necessarily establish that the government cannot control the maras.

Murcia-Pleitez failed to raise any new relevant, legal arguments in his Motion to Reconsider. Therefore, the Board of Immigration Appeals did not abuse its discretion by denying the motion.

AFFIRMED.

³ See, e.g., *Korablina*, 158 F.3d at 1045 (“reporting . . . violence against Jews to the Kiev authorities is not helpful”).